

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

RECEIVED

IN MEDICINE AND SURGERY

FEB 13 2006

IN THE MATTER OF:

) Case No.: 3552

AZ OSTEOPATHIC BOARD

**ALOK SINHA, D.O.**

Holder of License No. 3347

)  
) **CONSENT AGREEMENT TO FINDINGS**  
) **OF FACT, CONCLUSIONS OF LAW AND**  
) **PROBATIONARY ORDER**

For the practice of osteopathic medicine in the  
State of Arizona

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Alok Sinha, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Consent Agreement and Order; and, Respondent is aware of and understands the content of these documents.

2. Respondent understands that by entering into this Consent Agreement and Order, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Consent Agreement and Order in state or federal court.

3. Respondent understands that this Consent Agreement and Order will not become effective unless approved by the Board and signed by its Executive Director.

4. Respondent further understands that this Consent Order and Order, once approved and signed, shall constitute a public record which will be disseminated as a formal action of the Board.

5. Respondent admits to the statement of facts and conclusions of law contained in the Consent Agreement & Order.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any

1 other purpose or administrative regulatory proceeding or litigation in another state or federal  
2 court.

3 7. Respondent acknowledges and agrees that upon signing and returning this  
4 document (or a copy thereof) to the Board's Executive Director, he may not later revoke or  
5 amend any part of the Consent Agreement and Order, without first obtaining Board approval.

6 REVIEWED AND ACCEPTED THIS 10 DAY OF FEBRUARY, 2006.

7  
8   
9 Alok Sinha, D.O., Respondent

10 **JURISDICTIONAL STATEMENTS**

11 1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the  
12 licensing and practice of osteopathic medicine in Arizona.

13 2. The Board has the authority to summarily suspend an osteopathic license pursuant  
14 to A.R.S. §§ 32-1855 (C), 41-1064 (C) and 41-1092.11 (B) when the physician may not safely  
15 engage in the practice of medicine and is an immediate threat to the public's health, welfare and  
16 safety.

17 3. Respondent holds license No. 3347 to practice osteopathic medicine in Arizona.

18 **FINDINGS OF FACT**

19 4. On July 5, 2005, Board staff received information from the City of Phoenix Police  
20 Department that Respondent had been arrested and booked on June 30, 2005. The charges  
21 include Class 3 and 4 Felonies for attempting and obtaining dangerous drugs by fraud.  
22 prescription fraud.

23 5. Subsequent investigation revealed that Dr. Sinha admitted the criminal violations  
24 and his dependence on the medications.

25 6. On July 13, 2005, the Board ordered Dr. Sinha to submit to an observed  
biological fluid test. Dr. Sinha complied with this Order the same day. The preliminary results  
were positive for both "Alcohol" and "Benzodiazepines."

7. On July 15, 2005 Dr, Sinha admitted to the Board that he had been taking medications that were self prescribed and obtained in violation of statutes.

8. On July 15, 2005, during the public meeting portion of teleconference, the Board voted to summarily suspend Dr. Sinha's license because they felt that the underlying facts and circumstances of his criminal arrest and self-admitted addiction present a clear and present danger to the public's health safety and welfare.

9. Dr. Sinha entered the Betty Ford Center for in-patient evaluation and treatment from August 29, 2005 through December 29, 2005. He was discharged with staff approval and was also reevaluated for consideration for reactivation of his Arizona osteopathic medical license. Dr. Sinha signed a release authorizing the release of all records pertinent to his diagnosis and treatment while a patient at the Betty Ford Center to the Board.

10. Dr. Sinha met with the Board on January 21, 2006 regarding the status of his license to practice osteopathic medicine in Arizona. The Board considered Dr. Sinha's continued probationary status and terms as recommended by the Betty Ford Center.

## CONCLUSIONS O F LAW

1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in paragraphs 4 through 7 above constitute unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:

(3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.

(5) Prescribing, dispensing or administering controlled substances or prescription only drugs for other than accepted therapeutic purposes.

(6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the Board determines falls below the community standard.

1 (15) Knowingly making any false or fraudulent statement, written or oral, in  
2 connection with the practice of medicine or when applying for or renewing privileges at a health  
3 care institution or a health care program.

4 (22) Using controlled substances or prescription-only drugs unless they are provided  
5 by a medical practitioner, as defined in section 32-1901, as part of a lawful course of treatment.

6 (35) Violating a federal law, a state law or a rule applicable to the practice of  
7 medicine. (A.R.S. § 32-3208- failure to report a criminal charge)

8 (38) Any conduct or practice that endangers a patient's or the public's health or may  
9 reasonably be expected to do so.

#### 10 **ORDER**

#### 11 **NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:**

12 Pursuant to A.R.S. §§ 32-1855 (C) and 41-1064 (C), License No. 3347 held by ALOK  
13 SINHA, D.O., ("Respondent") shall be placed on **PROBATION** for not less than 5 years from  
14 the date of this order with the following terms and conditions of probation as set forth herein:

15 1. Respondent will develop a plan for aftercare treatment and monitoring which  
16 shall include, but may not be limited to, individual and/or group counseling sessions, random  
17 body fluid testing, agreement for release of treatment records and reports to the Board,  
18 prohibition of the use of alcohol and controlled substances unless the latter is prescribed or  
19 coordinated by his treating physician, and regular meeting with the Board, and submit this plan  
20 to the Board for its approval.

21 2. From the date of this Order, Respondent shall obtain psychiatric or psychological  
22 treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is  
23 selected by Respondent and approved by the Board. Respondent shall comply with the therapist  
24 recommendation for the frequency of therapy treatment sessions. Respondent shall inform the  
25 Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and,  
Respondent shall undertake and fully cooperate with a program of treatment established by the

1 therapist. In the event Respondent changes therapists, he shall give the Board written notice  
2 within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of  
3 psychotherapy sessions until he has submitted a written request to the Board and obtained Board  
4 approval.

5 3. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall  
6 cooperate with and disclose all relevant information in the Board's files concerning Respondent.  
7 The treating therapist shall be directed by Respondent to send to the Board a detailed written  
8 progress report every month for the remainder of the probation; and Respondent, shall waive any  
9 confidentiality concerning his psychotherapy in order that the Board may receive full disclosure  
10 of information. The expense of the aforementioned therapy and the reports to the Board by  
11 Respondent's therapist shall be the sole responsibility of the Respondent.

12 4. Respondent shall provide a copy of this Order and any subsequent Orders to all  
13 facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or  
14 subsequently receives) privileges to engage in the practice of medicine. Respondent shall  
15 provide a copy of this Order to all treating physicians, dentists and or health care professionals.  
16 Respondent shall continue to make the aforementioned disclosure and provide copies of this  
17 Consent Order until the expiration of this Order.

18 5. Respondent may have his license to practice as an osteopathic physician  
19 restricted, suspended or revoked by the Board in the future if:

- 20 (a) The Board finds that Respondent does not have the requisite mental, physical and  
21 emotional fitness to safely continue the practice of medicine; or,  
22 (b) There are new grounds for finding unprofessional conduct concerning  
23 Respondent; or,  
24 (c) Fails to comply fully with the terms and conditions of this Order.

25 6. Respondent shall abstain completely from the consumption of alcoholic beverages  
or any substance with alcohol (i.e. cough syrups); and, Respondent shall not consume illicit  
drugs or take any controlled substances (i.e., prescription only drugs), unless his treating

1 physician prescribes such medication for him with the awareness that Respondent has a  
2 substance abuse disorder. Respondent shall maintain a monthly log (for the duration of  
3 probation) of all prescription only drugs taken by his and such log shall include the following  
4 information:

- 5 (a) the name of the medication;
- 6 (b) name of prescribing physician;
- 7 (c) reason for the medication.

7 7. At the first of each month, Respondent shall report by letter to the Board whether  
8 or not he is taking any prescription only medication and, if so, a copy of his log reflecting the  
9 above information.

10 8. Respondent shall also, as part of his probation: (A) submit to and cooperate in  
11 any independent medical or psychological evaluation that is ordered by the Board for  
12 Respondent and conducted by the Board's designated physician and/or psychologist which shall  
13 be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written  
14 or telephonic notification from the Board's executive director which shall be given at least five  
15 (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and  
16 promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for  
17 testing and said testing shall be done at the Respondent's expense.

18 9. Respondent shall participate 90 meetings in 90 days upon his discharge from the  
19 Betty Ford Center and then in a minimum of three (3) self-help meetings per week through such  
20 organizations as A.A., N.A., C.A. and doctor's Caduceus group. Respondent shall keep a log of  
21 all meetings attended and have the log signed by the chairperson of the meeting. Respondent  
22 will provide the Board with a copy of the signed log the first of every month.

23 10. In the event Respondent moves and ceases to practice medicine in Arizona, he  
24 shall give written notice to the Board of his new residence address within twenty (20) days of  
25 moving; and, the terms and duration of probation may be stayed by the Board until Respondent  
returns to practice medicine in Arizona.

1 11. Respondent shall reimburse the Board for all expenses associated with the  
2 continued monitoring of this matter.

3 12. Respondent shall continue to meet all licensing requirements such as continuing  
4 medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-  
5 1825.

6 13. The Board's Executive Director shall send correspondence to the appropriate state  
7 and/or federal law enforcement agency disclosing information in the Board's possession which  
8 may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances.

9 14. Respondent's failure to comply with the requirements of this Order shall  
10 constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be  
11 considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in  
12 the event that Respondent fails to comply with any of the requirements of this Order.



ISSUED THIS 13<sup>th</sup> DAY OF FEBRUARY 2006.

STATE OF ARIZONA  
BOARD OF OSTEOPATHIC EXAMINERS IN  
MEDICINE AND SURGERY

19 By: \_\_\_\_\_  
Jack Confer, Executive Director

20  
21 Original "Consent Agreement to  
22 Findings of Fact, Conclusions of Law,  
and Probationary Order" filed this 13<sup>th</sup>  
day of FEBRUARY, 2006 with the:

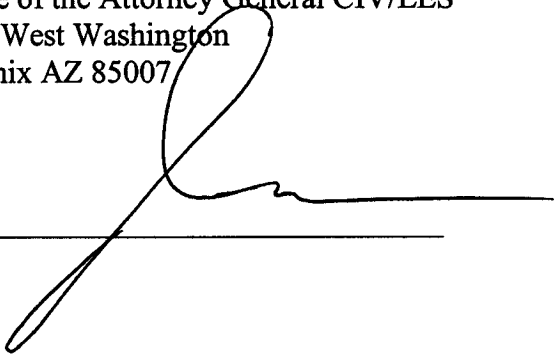
23 Arizona Board of Osteopathic Examiners  
24 In Medicine and Surgery  
25 9535 East Doubletree Ranch Road  
Scottsdale AZ 85258-5539

1 Copy of the foregoing "Consent Agreement to  
2 Findings of Fact, Conclusions of Law,  
3 and Probationary Order" sent via certified,  
4 return receipt requested this 13<sup>th</sup>  
5 day of FEBRUARY, 2006 to:

6 Alok Sinha, D.O.  
7 1035 N. Ellsworth Rd., Ste. 107  
8 PMB #104  
9 Mesa, AZ 85207

10 Copies of the foregoing "Consent Agreement to  
11 Findings of Fact, Conclusions of Law,  
12 and Probationary Order" sent via regular  
13 mail this 13<sup>th</sup> day of FEBRUARY, 2006 to:

14 Blair Driggs, AAG  
15 Office of the Attorney General CIV/LES  
16 1275 West Washington  
17 Phoenix AZ 85007

A handwritten signature in black ink, appearing to be "Blair Driggs", is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long horizontal stroke at the end.